

## PUBLIC NOTICE for PERMIT MODIFICATION

Issue Date: August 10, 2004

Expiration Date: September 10, 2004

Corps of Engineers Action ID: 200200155

Oregon Department of State Lands Number: 25094-RF

**30-Day Notice** 

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

**Comments:** Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers CENWP-OP-GE (Ms. Michele E. Hanson) 1600 Executive Parkway Suite 210 Eugene, Oregon 97401-2156

Applicant: Eugene Water and Electric Board (EWEB)

**Location:** In the McKenzie River, at approximately U.S. Geological Survey (USGS) Mile 21 and USGS Mile 28.2 in Section 24, Township 17 South, Range 1 West and Section 25, Township 17 South, Range 2 West, near Walterville, in Lane County, Oregon. The proposed work would occur immediately downstream of the Walterville boat ramp and below the tailrace barrier.

**Project Description:** Modifications, improvements, and continuing long-term maintenance of the Walterville hydroelectric facility would include the following, which are described in greater detail below:

- a. Maintenance of the canal intake;
- b. Maintenance and modifications to the three existing rock drop weir diversion structures;
- c. Addition of three new rock drop weir diversion structures to reduce the drop in water surface over the reach to as close as one foot as possible; and
- d. Maintenance and improvements below the tailrace barrier.

#### Canal Intake at Mile 28.2

Maintenance of the canal intake would involve removal of several large boulders at the canal intake to reduce channel head loss, thus increasing diversion flow capability. The rocks are creating additional head loss in the canal between the river and the head gates. An excavator or a crane and clam shovel would remove approximately 700 cubic yards (CY) of rock working from the riverbank to minimize streambed disturbance. If a need to work in the water is indicated, equipment would be thoroughly cleaned prior to work. All disturbed areas would be re-seeded with native grass species once work is completed.

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#### Rock Weir Diversion Structures at Mile 28.2

Rock would be placed in structures #2, #3, and #4 to reduce the overall width of the low flow notches to 35 feet. The center of the notches would be slightly below the edges to ensure a low flow depth of one foot at 75 cubic feet per second (cfs). To aid boaters navigating the structures, guide rocks would be placed on the left side of each notch on all three structures. Approximately 480 CY of fill would be required for the modifications to the structures. Refer to the enclosed table (Table 1) for specific quantities per structure.

Three additional structures, #5, #6, #7, are proposed to be constructed downstream of the existing structures #2, #3 and #4. The maximum length of the new structures would be 380 feet with a 20-foot top width. Approximately 510 CY would be excavated beneath the ordinary high water elevation (OHW) for placement of the three structures, which would be spaced about 100 feet apart to allow the river flow to slow and to dissipate energy. Approximately 2,370 CY of basalt rock fill would be placed below the OHW to construct the structures. Structure orientation would be designed to reduce energy on the right bank during flows and direct water into the thalweg of the channel.

Approximately 100 feet downstream of structure #7, 250 CY of streambed would be excavated to construct an at-grade rock sill. The sill would reduce the risk of headcutting upstream at the cross-section labeled Section 13 in the drawings and located below the existing barb. The existing barb would be reinforced with 50 CY of basalt rock placed beneath the OHW. Approximately 10 CY of streambed would be excavated from the streambed for the reinforcement. The rock sill would require the placement of 250 CY of basalt rock fill below the OHW.

#### Tailrace Barrier at Mile 21

Areas of deeper water have developed below the tailrace velocity barrier that allows migrating fish to hold below the barrier instead of moving up through the fish by-pass channel. EWEB proposes to regrade a 600-foot reach of the channel immediately downstream of the barrier as a combination of excavating and filling. The channel along the left bank of the tailrace would be deepened and fill would be placed in the channel along the right bank and in scour holes.

Approximately 2,500 CY of material would be removed below the OHW; most of the excavated material would be used as fill along the right bank. Additional fill material if required would consist of imported bank run material. Below the apron of the barrier and in higher velocity areas, fill would be comprised of 18 to 24-inch diameter rock riprap. Work would be limited to within the confines of the banks of the tailrace to avoid impacts to riparian areas and wetlands.

Some bank re-shaping may be necessary on the left bank of the by-pass channel in conjunction with the re-grading below the tailrace barrier. Re-shaping on the left bank would only be in the amount necessary to join the proposed channel excavation along the left bank to the entrance of the by-pass channel. The total amount of impact would approximate 500 square feet.

Excavation would be accomplished from one ramp on each bank: the left bank access would be located just downstream of the by-pass channel on an existing access road, the right bank access would be located approximately 100 feet downstream of the tailrace barrier. Disturbed areas within the riparian zone would be immediately restored to pre-construction contours and re-seeded following completion of construction activities.

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#### Work Isolation

EWEB proposes to isolate the work area during construction using a cofferdam or type of Portadam system located in the tailrace approximately 650 feet downstream of the tailrace barrier.

#### Extension of the Preferred In-Water Work Window

EWEB is requesting an extension of the in-water work window, normally from July 1 to August 31, through October 31 to allow completion of proposed work activities.

#### Maintenance

Periodic inspection would be utilized to identify potential hazards to boat passage and structural impediments to fish passage. EWEB would notify the Corps regarding specific incidents and the type of work proposed to address these incidents as they occur.

**Purpose:** The proposed work is needed to achieve the flows EWEB has been authorized to fully capture from the McKenzie River via their water rights. The work would help EWEB maintain compliance with Federal Energy Regulatory Commission requirements for the relicensing of the hydroelectric facility, and with agreements reached with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to protect and promote the conservation of two threatened fish species in the McKenzie River. The proposed modifications and improvements to the rock drop structures would improve boat passage conditions by reducing water level drops across the structures and enhance the boat passage channel for use during adequate river flows.

**Mitigation:** Three wetlands would be impacted by the proposed work: W4.2, W4.4, and W4.5 as shown on Figure 7 of the drawings. The majority of wetland impacts would be associated with willow-dominated island in the middle of the channel, where the new rock weir diversion structures would be located. Impacts to wetlands include vegetative removal, excavation and fill associated with installation of the structures, and excavation for the ditches immediately below structures #5, #6, #7. Overall impacts include 0.44 acre to waters of the U.S. and 0.17 acre to riverine wetlands.

The applicant has proposed to compensate for unavoidable losses by establishing 0.62 acre of shrub-dominated riverine habitat along the north channel of the McKenzie River by planting willow species along both banks near the project and along the toe of the right bank in the vicinity of the existing willow island. Figure 8 shows the proposed plantings.

If a permit is issued, the Corps will determine what is appropriate and practicable compensatory mitigation. The amount of compensatory mitigation required shall be commensurate with the anticipated impacts of the project.

**Background:** A Department of the Army (DA) permit was issued on July 3, 2002, authorizing EWEB to conduct fish passage and other improvements at the Walterville hydroelectric facility. The project purpose was to comply with relicensing requirements of the Federal Energy Regulatory Commission (FERC) and with agreements with U.S. Fish & Wildlife Service (FWS) and NOAA Fisheries to protect and promote conservation of listed species in the McKenzie River. The authorized improvements were intended to allow EWEB to fully capture their water rights from the McKenzie River.

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Authorized work included:

- a. Placement of three rock-drop diversion structures just upstream of the Walterville Power Canal:
- b. Construction of two smaller diversion dams between Rodman and Kaldor islands;
- c. Reconstruction of the right (north) bank of the canal just downstream of the diversion with a vegetated rock-faced geogrid;
- d. Recontouring and armoring of the left (west) bank canal tip;
- e. Relocation of the existing boat ramp;
- f. Placement of a fish screen at the canal intake;
- g. Construction of a 2,200-foot long, 54-inch diameter fish bypass pipeline from the canal to the McKenzie River including an evaluation facility;
- h. Placement of a fish barrier at the confluence of the Walterville tailrace and the existing Walterville fish bypass channel;
- i. Deepening of the tailrace just downstream of the powerhouse
- j. Construction of a velocity barrier just upstream of the bypass channel;
- k. Installation of gabions along both sides of the tailrace upstream of the velocity barrier, and; and
- 1. Deepening of the tailrace to the lower water surface elevation downstream of the powerhouse.

**Drawings:** Eleven (11) drawings are included.

Additional Information: Additional information may be obtained from Ms. Michele E. Hanson, Project Manager, U.S. Army Corps of Engineers at (541) 465-6878 or email michele.e.hanson@usace.army.mil.

Authority: This permit will be issued or denied under the following:

Section 10, Rivers and Harbors Act 1899 (33 U.S.C. 403), for work in or affecting navigable waters of the United States.

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

**Water Quality Certification:** A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

Section 404(b)(1) Evaluation: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

**Public Hearing:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

**Endangered Species:** Preliminary determinations indicate that the proposed activity may affect an endangered or threatened species or its critical habitat. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) will be initiated. A permit for the proposed activity will not be issued until the consultation process is completed.

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Cultural Resources: The described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This notice has been provided to the State Historic Preservation Office.

**Evaluation:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue, from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof;

among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

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### **PUBLIC NOTICE**

# Oregon Department of Environmental Quality (DEQ) Water Quality 401 Certification

Corps of Engineers Action ID Number: 200200155

Notice Issued: August 10, 2004

Oregon Department of State Lands Number: 25094-RF

Written Comments Due: September 9, 2004

WHO IS THE APPLICANT: Eugene Water and Electric Board (EWEB)

**LOCATION OF CERTIFICATION ACTIVITY:** See attached U.S. Army Corps of Engineers public notice.

**WHAT IS PROPOSED:** See attached U.S. Army Corps of Engineers public notice on the proposed project.

**NEED FOR CERTIFICATION:** Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

**DESCRIPTION OF DISCHARGES:** See attached U.S. Army Corps of Engineers public notice on the proposed project.

WHERE TO FIND DOCUMENTS: Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Water Quality Division, 811 S.W. 6th Avenue, Portland, Oregon 97204-1390.

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Ms. Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator, (503) 229-5845 or toll free within Oregon at (800) 452-4011. People with hearing impairments may call DEO's TTY at (503) 229-6993.

#### **PUBLIC PARTICIPATION:**

<u>Public hearing</u>: Oregon Administrative Rule (OAR) 340-48-0020(6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director's final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing."

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#### Written comments:

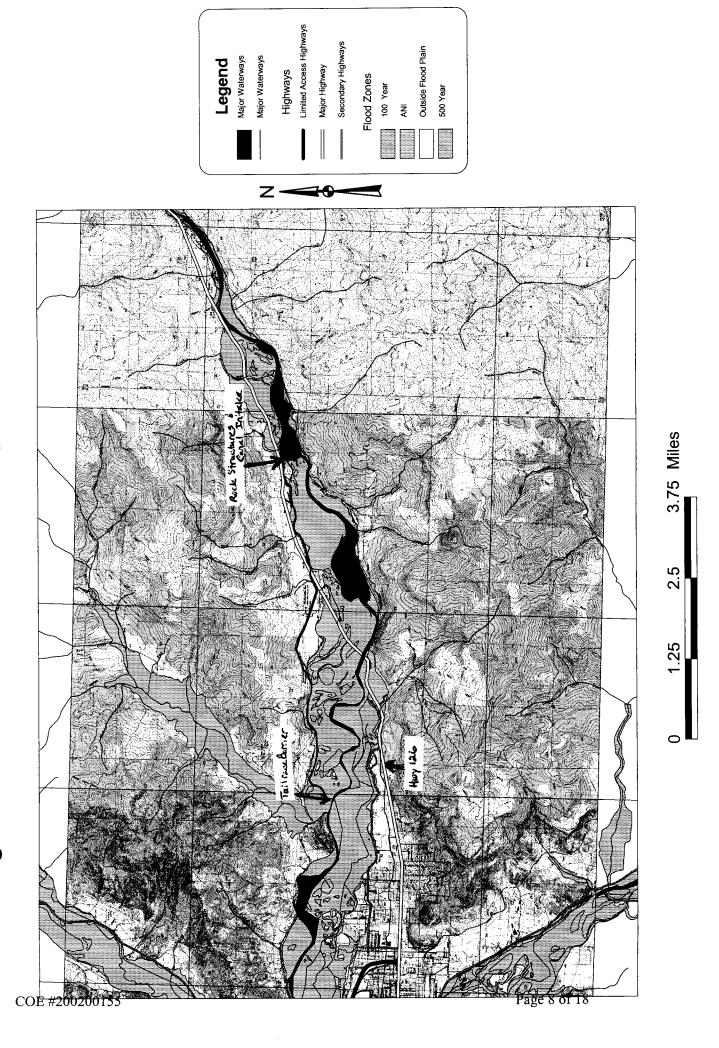
Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on <u>September 9, 2004</u>. Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. Sixth Avenue, Portland, Oregon 97204-1390 or faxed to (503) 229-1390. People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period. People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format at <u>401publiccoments@deq.state.or.us</u>. Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

WHAT HAPPENS NEXT: DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

**ACCESSIBILITY INFORMATION:** This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Public Affairs at (503) 229-5766 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.

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Eugene Water & Electric Board-Project Number 200200155



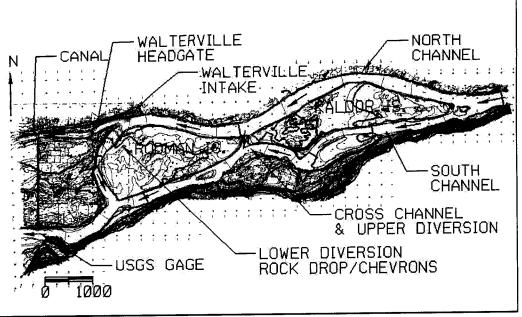


Figure 1 – Overview Map

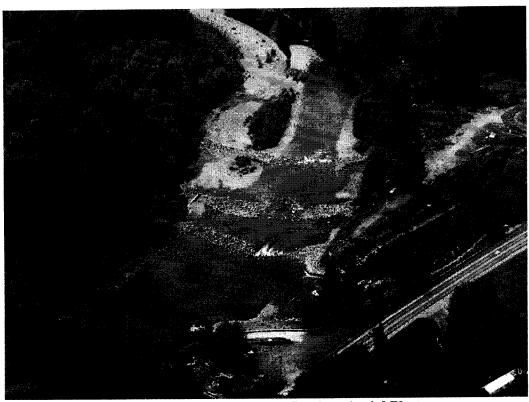
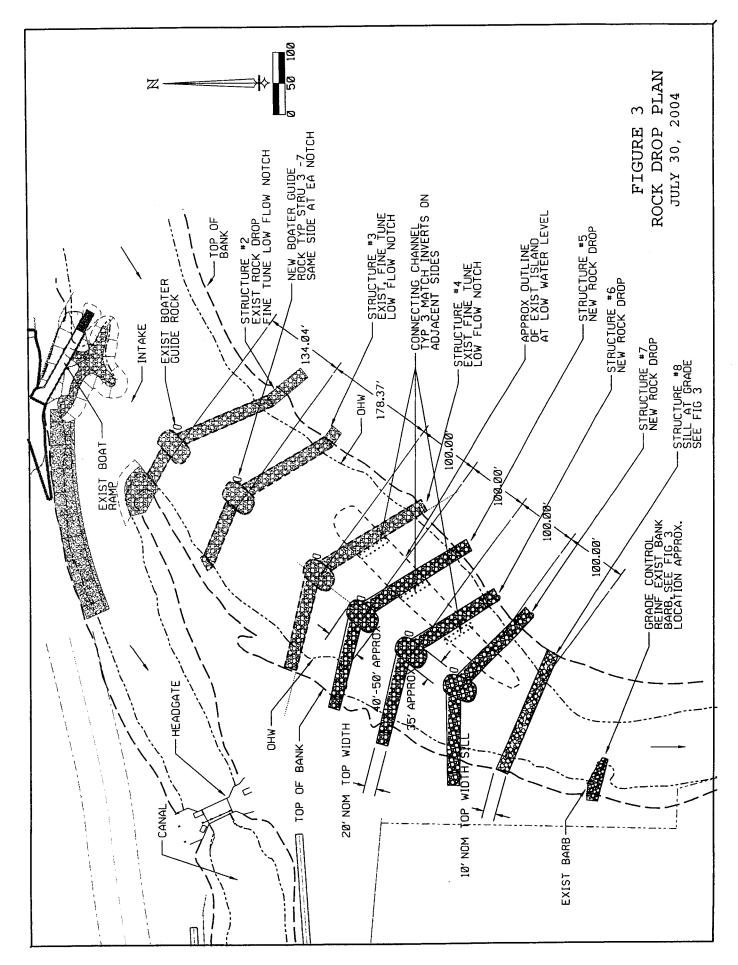
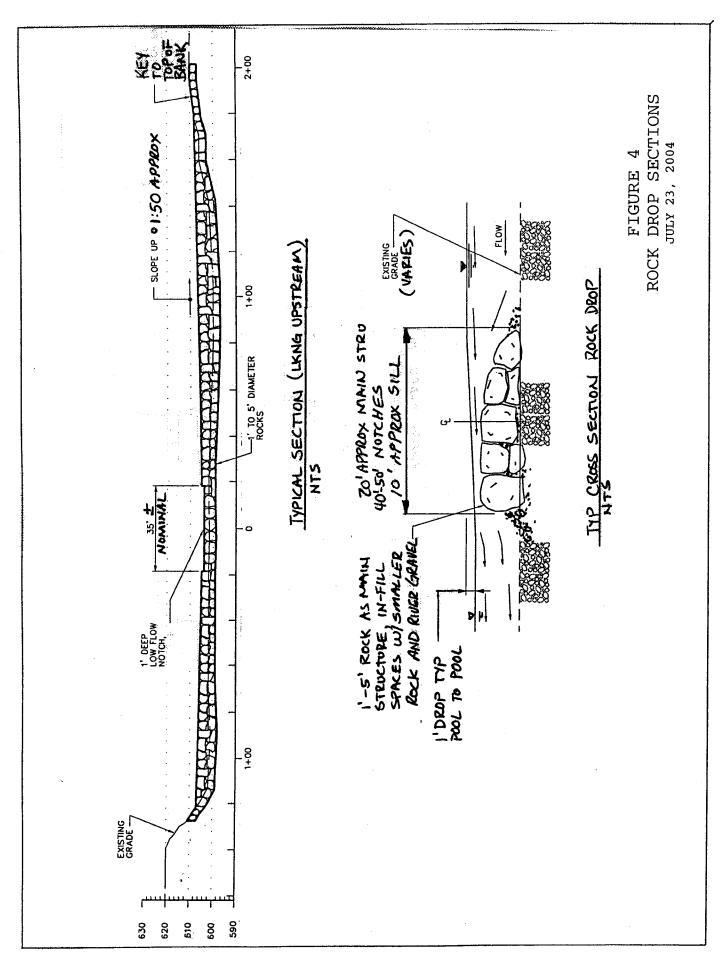


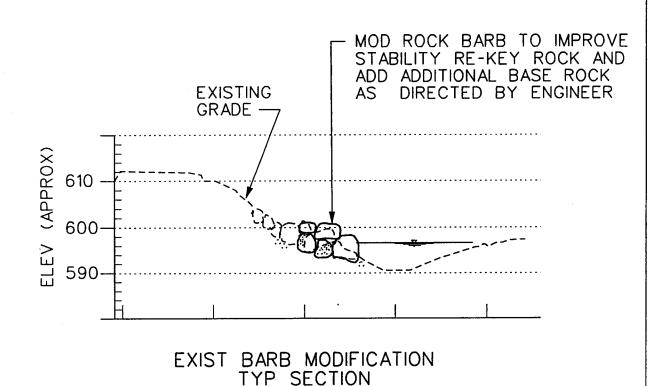
Figure 2 - Walterville Canal Intake - Aerial Photo

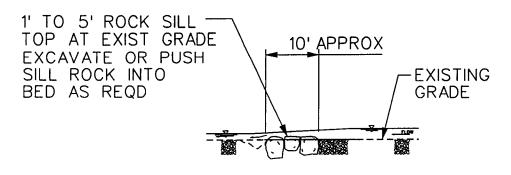
Walterville Diversion Page 2 July 13, 2004



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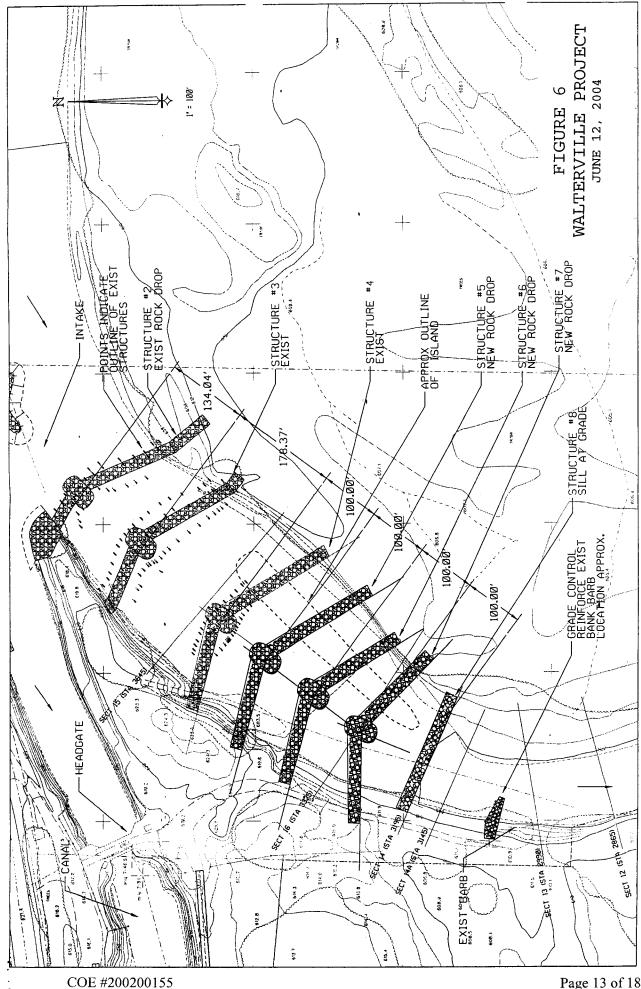




TYPICAL SILL SECTION



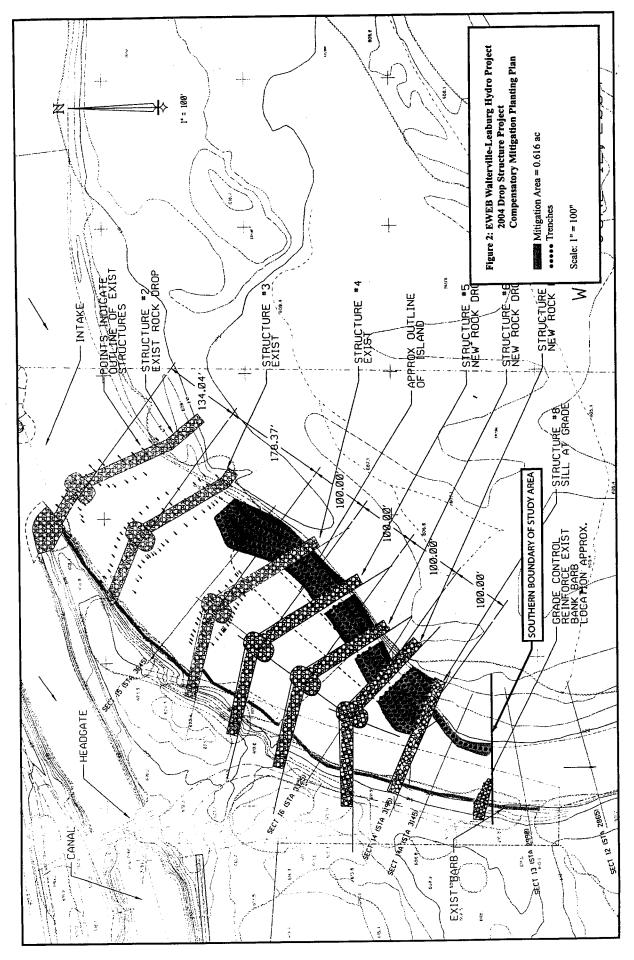
FIGURE 5
BARB & SILL DETAILS
JULY 23, 2004



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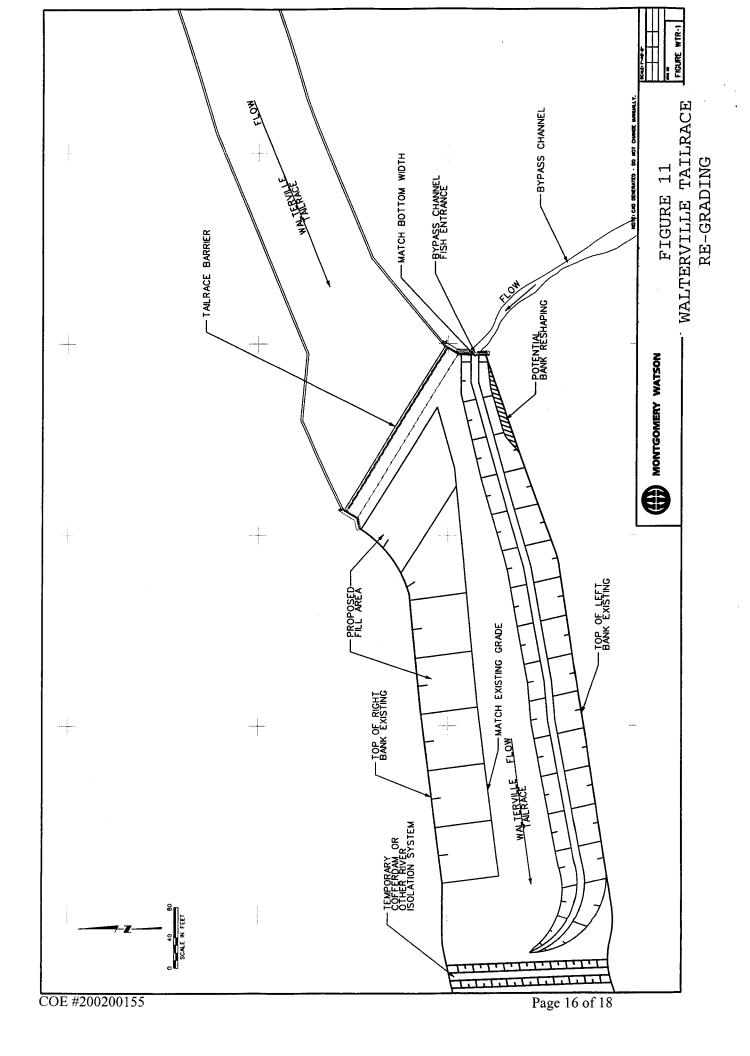
FIGURE 7 WETLANDS & WATER IMPACTS

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FIGURE 8
MITIGATION PLANTING



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Table 1
Fill and Removal Quantities

Structure Number/Type (See Figure 3 for Locations)	Overall Length (Incl Keys)(I)	dibiW qoT (lsnimon)	Total Volume New Fill (CY)(1)(2)	Total Basalt Weight (tons)(1)(2)	Est. Excavation within OHW (CY)	hgns LengdA (1)WHO nithiw	Fill Approx Fill Volume within OHW(1)(2)	Remark
Intake Channel	75	75	0	0	002		0	Removal of Large Rock
2-Exist Rock Drop	360	20	130	260	0			Reshape Low Flow Notch and Seal Structure Only
3-Exist Rock Drop	320	20	50	100	0			Reshape Low Flow Notch and Seal Structure Only
4-Exist Rock Drop	360	20	300	009	0			Reshape and Raise Low Flow Notch and Seal Structure
5-New Rock Drop	380	20	1210	2420	120	310	1000	
6-New Rock Drop	340	20	950	1900	210	280	800	
7-New Rock Drop	300	20	730	1460	180	230	570	
8- New Grade Sill	220	10	250	200	250	220	250	
Exist Bank Barb	na	na	50	100	10	na	20	Allowance, Max Qty, Rebuild as required
Pool Excavation 2 Structures 4-7	na	na		0	140			Material excavated and moved to left bank with Vegetation. Required for pool connectivity
2004 Project Totals			3,670	7,340	1,610		2,670	
Notes: 1	1 Reflects o 2 Volumes	only volum include a 1	Reflects only volumes for new work not original construction of existing structures. Volumes include a 10% Contingency allowance	work not c gency allo	original cor wance	struction c	f existing	structures.
Prepared by: Clint Smith, MWH Americas	mith, MW]	Н Атегіса	s					

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